

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

KOOKMIN BANK,

Defendant.

Adv. Pro. No. 12-01194 (CGM)

**DECLARATION OF ERIC R. FISH IN SUPPORT OF THE TRUSTEE'S OPPOSITION
TO DEFENDANT KOOKMIN BANK'S MOTION TO DISMISS THE COMPLAINT**

I, Eric R. Fish, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am a partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff. I submit this

Declaration in support of the Trustee's Opposition to Defendant Kookmin Bank's Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit 1 in redacted form is a true and correct copy of a Fairfield Sentry Limited Subscription Agreement purportedly signed by Kookmin Bank ("on behalf of KITMC Stable Return Trust IV") on February 24, 2004 and registering shares in the name of Kookmin Bank (BRRVAA0000364-BRRVAA0000374).

3. Attached hereto as Exhibit 2 in redacted form is a true and correct copy of a Fairfield Sentry Limited Subscription Agreement purportedly signed by Kookmin Bank ("on behalf of Samsung Absolute Return Trust IX") on February 25, 2004 and registering shares in the name of Kookmin Bank (BRRVAA0000353-BRRVAA0000363).

4. Attached hereto as Exhibit 3 in redacted form is a true and correct copy of a Citco Statement of Account for Fairfield Sentry Limited Class B, dated December 30, 2003, that appears to include a credit from Kookmin Bank (ANWAR-CFSE-00319682).

5. Attached hereto as Exhibit 4 in redacted form are true and correct copies of documents referencing an April 14, 2005 transfer from Fairfield Sentry Limited to Kookmin Bank in the amount of \$2,594,297.68, including:

- Citco Request for Wire Transfer Payment (ANWAR-CFSE-00323224); and
- Citco Statement of Account for Fairfield Sentry Limited (ANWAR-CFSE-00323153).

6. Attached hereto as Exhibit 5 in redacted form are true and correct copies of documents referencing a May 13, 2005 transfer from Fairfield Sentry Limited to Kookmin Bank in the amount of \$8,212,336.34, including:

- Citco Request for Wire Transfer Payment (ANWAR-CFSE-00323793); and

- Citco Statement of Account for Fairfield Sentry Limited (ANWAR-CFSE-00323742).

7. Attached hereto as Exhibit 6 in redacted form are true and correct copies of documents referencing a June 15, 2005 transfer from Fairfield Sentry Limited to Kookmin Bank in the amount of \$5,547,965.34, including:

- Citco Request for Wire Transfer Payment (ANWAR-CFSE-00021478); and
- Citco Statement of Account for Fairfield Sentry (ANWAR-CFSE-00324564).

8. The Trustee is in possession of documents referencing an additional thirty transfers from Fairfield Sentry Limited to Kookmin Bank through Deutsche Bank Trust Company Americas in New York. Copies of these documents are available upon request.

9. Although several of the foregoing documents attached as exhibits are stamped confidential, the Trustee's records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 6, 2022 in New York, New York.

By: /s/ Eric R. Fish
Eric R. Fish